

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Atty. Docket: CARMI 1
Nir CARMI et al.) Conf. No.: 4365
)
IA No.: PCT/IL2005/000230)
) Washington, D.C.
IA Filed: February 24, 2005)
)
U.S. Appln. No.:)
10/590,897) June 20, 2008
)
For: ENZYMES, CELLS AND METHODS)	
FOR SITE SPECIFIC...)

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(b)

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop PCT LEGAL
401 Dulany Street
Alexandria, VA 22314

Sir:

In the matter of the above-identified application, a Notification of Defective Response, dated May 20, 2008, has been received. It is respectfully petitioned that a one-month extension of time from today's date be granted, pursuant to 37 CFR 1.136(b), with respect to this application.

The Notification of Defective Response indicates that additional fees are due, along with a declaration/power of attorney which correctly identifies the citizenship for the first, second and third inventors. When this Notification was first received on May 22, 2008, upon initial review of the document it was thought that the matter could simply be

In re of: CARMI 1

corrected by filing a Supplemental Application Data sheet. The file was marked to be given to Ms. Erin Geraghty for handling. At the time that the document was matched to the file, Ms. Geraghty was temporarily filling in for the senior docketing specialist, who was out of the office due to a death in the family. Ms. Geraghty set the file aside for further and more thorough review upon the docketing specialist's return to the office on June 2, 2008.

Unfortunately, upon the specialist's return to the office, Ms. Geraghty, came down with an illness that resulted in her being out of the office Wednesday and Friday the week of June 2nd, and the entire following week.

When Ms. Geraghty returned to the office, she did not have the file. The file was brought to her attention the afternoon of June 19th, at which time she reviewed the file, and learned that the problem with the declaration involved citizenship and thus could not simply be resolved with the filing of a Supplemental Application Data Sheet. Unfortunately, as all the inventors whose citizenships are missing reside in Israel and by then offices were closed for the weekend, it was impossible to get a newly executed document in time for filing by today's deadline.

In re of: CARMI 1

Accordingly, the undersigned respectfully requests granting of this petition for extension of time, as the delay was caused by unforeseen events.

It is understood that the Notification of Defective Response states: "No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a)." The period of response set in the Notification of Missing Requirements has long passed five months from the original due date. Thus, only an extension of time of the Notice of Defective Response will save this case from abandonment. It is believed that the above-quoted sentence can reasonably be interpreted as meaning that no extensions of time under 37 CFR 1.136(a) are permissible. However, the plain meaning of 1.136(b) is that extensions of time are possible even when 1.136(a) is not available with a showing of sufficient cause. The explanation above should establish sufficient cause for a brief extension under 1.136(b). This request does not extend the period for response beyond the maximum time set by statute.

If one month is deemed too long, even a one week extension would be acceptable as it is expected that the newly executed declaration can be received within a week (barring further unforeseen circumstances).

In re of: CARMI 1

The petition fee under 37 CFR 1.17(g) of \$200.00 is submitted herewith. Granting of this petition is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /rlb/
Roger L. Browdy
Registration No. 25,618

RLB:edg

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\bn\w\webb\carml\pto\2008-06-20REQUESTFOREXTENSIONOFTIMEUNDER37CFR1136B.DOC